

KEVIN G. HORBATIUK (KGH-4977)  
MATTHEW P. MAZZOLA (MM-7427)  
RUSSO, KEANE & TONER, LLP  
Attorneys for Defendant  
**CUNNINGHAM DUCT WORK s/h/i/a**  
**CUNNINGHAM DUCT CLEANING CO., INC.**  
26 Broadway - 28th Floor  
New York, New York 10004  
(212) 482-0001

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
**IN RE COMBINED WORLD TRADE CENTER  
AND LOWER MANHATTAN DISASTER SITE  
LITIGATION**

**21 MC 103 (AKH)**

-----X  
**ARACELLY CUERVO,**

**DOCKET NO:  
08 CV 2262**

**Plaintiff,**

**-against-**

**7 WORLD TRADE COMPANY, L.P., A RUSSO  
WRECKING, INC., ABM INDUSTRIES INC.,  
ABM JANITORIAL NORTHEAST, INC., AMEC  
MANAGEMENT, INC., AMEC EARTH  
ENVIRONMENTAL, INC., ANTHONY CORTESE  
SPECIALIZED HAULING LLC., ATLANTIC  
HEYDT CORP., BECHTEL ASSOCIATES  
PROFESSIONAL CORPORATION; BECHTEL  
CONSTRUCTION, INC., BECHTEL CORPORATION;  
BECHTEL ENVIRONMENTAL INC., BERKEL  
& COMPANY, CONTRACTORS, INC., BIG APPLE  
WRECKING & CONSTRUCTION CORP., BOVIS  
LEND LEASE LMB, INC., BREEZE CARTING  
CORP., BREEZE NATIONAL INC., BRER-FOUR  
TRANSPORTATION CORP., BURO HAPPOLD  
CONSULTING ENGINEERS, P.C., C.B. CONTRACTING  
CORP., CANRON CONSTRUCTION CORP., CORD  
CONTRACTING CO., INC., DAKOTA DEMO TECH;  
DIAMOND POINT EXCAVATING CORP., DIEGO  
CONSTRUCTION, INC., DIVERSIFIED CARTING, INC.,  
DMT ENTERPRISE, INC., D'ONOFRIO GENERAL  
CONTRACTORS CORP., EAGLE LEASING &**

**NOTICE OF  
ADOPTION OF  
ANSWER TO  
MASTER COMPLAINT**

INDUSTRIAL SUPPLY INC., EAGLE ONE ROOFING CONTRACTORS, INC., ED DAVIES, INC., EN-TECH CORP., EVERGREEN RECYCLING OF CORONA (EROC) EWELL W. FINLEY, P.C., EXECUTIVE MEDICAL SERVICES, P.C, FLEET TRUCKING, INC., FRANCIS A. LEE EXTERIOR RESTORATION; INC., FTI TRUCKING, INC., GILSANZ, MURRAY & STEFICEK LLP., GOLDSTEIN KOCH SKANSKA INC., LAQUILA CONSTRUCTION INC., LASTRADA GENERAL GENERAL CONTRACTING CORP., LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS, P.C., LIBERTY MUTUAL GROUP; LOCKWOOD, KESSLER & BARTLESS, INC. LUCIUS PITKIN, INC., LZA TECH-DIV OF THORTON TOMASTEEL, MANAFORT BROTHERS INCORPORATED; MAZZOCCHI WRECKING INC., HUDSON MERIDIAN CONSTRUCTION GROUP; LLC F/K/A MERIDIAN CONSTRUCTION CORP., MORETRENCH AMERICAN CORP., MRA ENGINEERING, P.C., MUESER RUTLEDGE CONSULTING ENGINEERS, INC., NACIREMA INDUSTRIES INCORPORATED; NEW YORK CRANE & EQUIPMENT CORP., NICHOLSON CONSTRUCTION COMPANY; PETER SCALAMANDRE & SONS, INC., PINNACLE ENVIRONMENTAL CORP., PLAZA CONSTRUCTION CORP., PLAZA CONSTRUCTION CORP., PRO SAFETY SERVICES, LLC.; PT & L CONTRACTING CORP., ROBER SILMAN ASSOCIATES, ROBERT L. GEROSA, INC., RODAR ENTERPRISES, INC., ROYAL GM, INC., SAB TRUCKING INC., SAFEWAY ENVIRONMENTAL CORP., SEASONS INDUSTRIAL CONTRACTING; SEMCOR EQUIPMENT & MANUFACTURING CORP., SILERITE CONTRACTING CORPORATION; SIMPSON GUMPERTZ & HEDGER, INC., SKIDMORE, OWING & MERRILL LLP; SURVIVAIR, TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN; TISHMAN CONSTRUCTION CORPORATION OF NEW YORK; TISHMAN INTERIORS CORPORATION; TISHMAN SPEYER PROPERTIES; THORTON-TOMASETTI, GROUP, INC., TORRETTA TRUCKING, INC., TOTAL SAFETY CONSULTING, LLC., TUCCI EQUIPMENT RENTAL CORP., TULLY CONSTRUCTION CO., INC., TURNER CONSTRUCTION COMPANY; ULTIMATE

**DEMOLITION CS HAULING (JOINT VENTURE); VOLLMER ASSOCIATES LLP., WEEKS MARINE INC., WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C., WHITNEY CONTRACTING INC., WOLKOW-BRAKER ROOKING CORP., WORLD TRADE CENTER PROPERTIES, LLC., WSP CANTOR SEINUK, YANUZZI & SONS, INC., YONKERS CONTRACTING COMPANY, INC., YORK HUNTER CONSTRUCTION, LLC., ZIEGENFUSS DRILLING, INC.,**

**OFF SITE:**

**100 CHURCH, LLC, AMBIENT GROUP, INC., BANKERS TRUST COMPANY, BT PRIVATE CLIENTS CORP., CAPITAL PROPERTIES, INC., CUNNINGHAM DUCT CLEANING CO., DEUTSCHE BANK TRUST COMPANY, DEUTSCHE BANK TRUST COMPANY AMERICAS, DEUTSCHE BANK TRUST CORPORATION, EMPIRE STATE PROPERTIES, INC., GPS ENVIRONMENTAL CONSULTANTS, INC., INDOOR ENVIRONMENTAL TECHNOLOGY, INC., LAW ENGINEERING, P.C., LEFRAK ORGANIZATION, INC., MERRILL LYNCH & CO., INC. ROYAL AND SUNALLIANCE INSURANCE GROUP, PLC., THE BANK OF NEW YORK TRUST COMPANY, N.A., TISHMAN INTERIORS CORPORATION, TRC ENGINEERS, INC., TRINITY CENTRE, LLC., TULLY CONSTRUCTION CO., INC., TULLY CONSTRUCTION CO., INC., TULLY INDUSTRIES, INC., and ZAR REALTY MANAGEMENT CORP., et al.**

**Defendants.**

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**PLEASE TAKE NOTICE**, that defendant **CUNNINGHAM DUCT WORK s/h/i/a CUNNINGHAM DUCT CLEANING CO., INC.** ("CUNNINGHAM"), by its attorneys, **RUSSO, KEANE & TONER, LLP**, as and for its Response to the allegations set forth in the Complaint by Adoption (Check-Off-Complaint) Related to the Master Complaint filed in the above referenced action, hereby adopt their Answer to Master Complaint dated, August 1, 2007, which was filed in the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH).

**WHEREFORE**, the defendant, CUNNINGHAM demands judgment dismissing the above captioned caption action as against it, together with its costs and disbursements and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
May 2, 2008

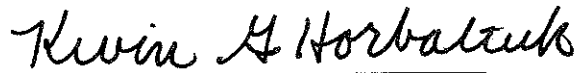
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(212) 482-0001  
RKT File No. 824.078

TO: CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff  
**ARACELLY CUERVO**  
115 Broadway 12th Floor  
New York, New York 10006  
(212) 267-3700

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following listed person by placing a copy of the same in the United States mail, postage prepared and properly addressed, this the 2<sup>ND</sup> day of May, 2008.

CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff  
**ARACELLY CUERVO**  
115 Broadway 12th Floor  
New York, New York 10006

A handwritten signature in black ink, reading "Kevin G. Horbatiuk", written over a horizontal line.

**KEVIN G. HORBATIUK**